

1897-053 Chancery Causes: Mitchell C. Parsons for &c vs. Adm. of Isaiah F. Burk &c  
Lee Co.

Loyd, Milburn, Robinson, Parrott, Horton, Milbourne, Burke,  
Surge ner, Cox, Thompson

CA-Debt  
T-Property

-Deed



To the Honorable John A. Kelly Judge of the  
County Court of Lee County Virginia

It humbly complaining your  
orator Mitchell & Parsons, <sup>Assignees of A. L. Lloyd</sup> who sue for  
benefit of Andrew Milbourn, would respec-  
tfully represent and show to your Honor that  
heretofore to wit on the 24<sup>th</sup> day of August 1872  
One Isaiah F. Burk. executed to the said A. L.  
Lloyd his two notes in writing commonly  
called promissory notes each for the sum  
of One hundred and Twenty five dollars  
and due respectively on the 1<sup>st</sup> day of November  
1877 and 1<sup>st</sup> day of March 1878. all of which  
will more fully appear by reference  
notes herewith filed marked (A); the  
24<sup>th</sup> day of January 1879. The said I  
for value received sold and assigned  
notes to your orator as will more  
appear by reference to the endorsement  
on each of said notes signed and sub-  
scribed by the said A. L. Lloyd; That said  
notes and ~~no~~ <sup>no</sup> part of them have ever  
been paid either to the said A. L. Lloyd or  
your orator or the said Andrew Milbourn  
But that the same and every part thereof  
remains unpaid and now due.

Your Orator will further show your Honor  
or that said notes were executed by



Burst as part of the purchase price  
Tract of land sold by the said A L L  
to the said Burst. That the said A  
Loyd & Minerva his wife, & E. W. Bish  
op and Hollie his wife by their joint  
deed (They being joint owners of said land)  
conveyed the said land to the said  
to the said Burst on the day of

187. That said deed was properly  
acknowledged delivered and ad-  
mitted to record in the Clerk's Office of  
Court, all of which will more  
by reference to said deed a copy  
is herewith filed marked (18) and  
it fully appears that the assign-  
orator has upon his part carried  
contract to completion ~~and in fact~~, and  
That for safety he retained a lien in said  
deed upon said land to secure the pay-  
ment of the purchase money.

Your orator will now show your Honor  
That the said Isaiah H. Burst has lately  
deceased this life intestate and That he  
was survived by his widow Sarah J. B.  
and the following children to wit  
Burst Mary C. Burst Etellie D. B.  
(formerly Burst) who intermarried  
with Samuel Robinson Huston



Burk Mattie Burk Sallie B Burk Rob  
E L Burk Eliza S. Burk John Burk  
Isaiah Burk to whom said lands de  
ad That letters of Administration of  
the estate of said Burk were duly  
to Doris Burk to whom applica  
has been made for the payment  
money but that he failed  
to pay the same or any  
Now the object of your  
hon specific executi  
Tract upon the part of  
heirs and to cover  
charges said notes and being without a  
equale remedy at law and reliefable  
only in a court of equity he prays your  
Honor to take cognizance of his cause &  
grant him proper relief. To this end he  
prays That Doris Burk Administrator  
of the estate of <sup>and in his own right as an heir of said Burk</sup> Isaiah Burk dec'd Sarah  
J Burk widow, and Mary C Burk  
Ettie D Robinson & Samuel Robinson his hus  
band Hurston Burk Mattie Burk Sallie  
B Burk Robert E L Burk Eliza S Burk  
John Burk and Isaiah Burk heirs at  
law of said Burk ~~be~~ made parties defend  
ant to this bill and <sup>The adults be</sup> required to answer to alle  
gations on oath and that a guardian ad



L 9.40.  
 A 15.00.  
 S 5.50  
 C. AL. 5.00  
 34.90  
 Cash 1881

June Term 1897  
 Decree final  
 O.B. to P  
 Depts costs

AC. 1486 to July 9<sup>th</sup>

W.C. Parsons vs  
 Bill in Chancery  
 David Burk, Administrator

Exhibits A & B June

1879. Mar. Bill filed  
 " Dec. 1879. Bill amended  
 for the purpose of  
 " Oct. 1880. Bill amended  
 " Nov. 1880. Bill amended  
 " Dec. 1880. Bill amended  
 " Jan. 1881. Bill amended  
 " Feb. 1881. Bill amended  
 " Mar. 1881. Bill amended  
 " Apr. 1881. Bill amended  
 " May 1881. Bill amended  
 " June 1881. Bill amended  
 " July 1881. Bill amended  
 " Aug. 1881. Bill amended  
 " Sept. 1881. Bill amended  
 " Oct. 1881. Bill amended  
 " Nov. 1881. Bill amended  
 " Dec. 1881. Bill amended

Let him be appointed to answer for the infant  
 defendant who one Stephen Martin Bellie B  
 Rolt & L, & also v. John & David Hunt and  
 that upon a final hearing that so much  
 of the same as is by the said Ad. & also & also  
 to said defendant, as is necessary in order  
 to pay the debt of your brother and if more  
 taken in his special property than he brings  
 for such further service and general  
 relief as is advised to his case May 1881  
 same be sent as in duty he will be doing  
 to  
 Morrison & Dunsmuir  
 D & L,



W. L. Parsons Assnec to

vs

D. F. Burk Admors  
and

E. W. Bishop

vs

David Burk Admors

To the Hon Jno A Kelly Judge of  
the Circuit Court of Lee County Va

The petition of D. C. Parrott  
respectfully represents that on  
the 21<sup>st</sup> day of June 1881 the tract  
of land described in the bill  
and report in these causes de-  
scribed was sold under a  
decree entered in the same  
and A R Surquener became  
the purchaser at the price  
of Eight hundred and fifty  
three +  $\frac{50}{100}$  Dollars all of which  
will fully appear from the  
report of Cour. Duncan on  
file in said causes, Now  
the object of this petition is to



have a decree entered in  
said causes allowing  
your petitioner to raise the  
bid upon said land and  
ordering a re-sale of the  
same, and your petitioner  
now here offers to execute  
bond with good security  
in the penalty of two thou-  
sand dollars conditioned  
that upon a re-sale of the  
said land it shall bring  
the sum of at least one  
thousand <sup>two hundred</sup> dollars bearing  
interest from the date of the  
~~and payable as in the former sale.~~  
former sale. Your petitioner  
therefore prays your honor  
to accept his upset bid  
and order a re-sale of  
the said land upon the  
conditions herein recited  
And as in duty bound will  
ever pray &c

Asa Morgan  
Counsel for petitioner

D. C. Parrott  
By Counsel



W<sup>m</sup> le Parsons for &c  
and

E. W. Bishop

vs 3 Petition &  
upset bid

D. H. Burk & Adm



To the Honorable John A. Kelly Judge of the Civ  
il Court of Lee County Virginia

Humly Petitioning your Petitioner Wm H. Horton  
assignee of A L Loyd would respectfully show  
your Honor that M. C. Porcous for the benefit of  
Andrew Melbourne has filed his bill in this Honorable  
Court against D. H. Bursk Assign of Sarah Bursk  
decd and the heirs at law of said Sarah Bursk  
to enforce the vendors lien, upon a tract of land sold  
by said Loyd to the said Sarah Bursk in his life  
time, for two notes for \$125.00. Still due as a part of  
the purchase price of said said notes now being  
the property of said Melbourne. Your petitioner  
would show your Honor that he is also the owner  
of a note executed by said Bursk to said Loyd as  
a part of the purchase price of said land sold  
by said Loyd to said Bursk which is also a lien  
thereon. That said note is for the sum of \$125.00  
due on the 1st day of March 1878 and subject to  
a credit of \$23.91 paid on the 20th day of April 1878.  
That the balance of said note is still due and unpaid  
and your petitioner prays That said sum be decreed  
to be paid to him to this end he prays to be made a  
party plaintiff along with the said Porcous for &c  
so that he may collect his debt without the necessity  
of bringing a separate suit to enforce the same & to  
thru said costs to said Bursk & his duty &c.

I am sworn for said Horton.



Wm H. Strickland assignee

vs  $\frac{5}{3}$  Putnam

D. F. Burk Sum et al

115.37  
705.7  

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42.80

42.80	25
90.00	8
257.00	12
3.00	22
21.00	24
10.00	246
14.00	270
	83

62.00  
20.00  
303.00  
2.00

---

583.80

600.00



25<sup>00</sup>

On, or before the first day of March 1878  
I bind myself heirs &c. to pay Rebecca A. Farmer  
or order. One hundred and twenty five Dollars-  
Value rec<sup>d</sup>. August 23<sup>rd</sup> 1872.

Isaac F. Burk

Seal



1848-50 21 26  
By R. B. 21.  
J. F. Rank  
Notes.

125.00

I assign the within Notes  
to ~~Mr. E. D. Dorr~~ for  
Miss H. Dorr.  
Value recd June 24/79

A. L. Lloyd



To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County Va

Your Petitioner David Burk humbly  
complaining respectfully represents that  
he has an interest in a chancery cause  
now pending in this Honorable Court;

There are two cases ordered to be heard  
together. "M. C. Parsons or David M. Burk-admin

and E. W. Bishop against the same. These  
causes are against your petitioner as the  
administrator of his father the late Isaiah

Burke deceased. They are in effect cred-  
itors bills seeking to enforce certain liens

against the lands of the decedent ~~Isaiah~~  
Burke deceased. These liens are partly

Judgements but mainly for the vendor's lien  
for certain lands mentioned in said bill

By a reference to the decrees orders and  
reports it will be seen how much is  
due on each of these classes of liens.

These lands have been sold, as appears  
by Commissioner C. J. Duncan's report and

a disbursing of the proceeds of sale will  
soon take place. Your petitioner conceives

himself entitled to participate in said  
distribution upon the following grounds-

Your petitioner is a son of the decedent,  
and as such he bargained and purchased



his father in his lifetime a portion, of  
the said lands so sold as aforesaid, and  
your petitioner conceives, that as against  
the purchase money lien he could not  
nor did he desire to resist a sale -  
Your petitioner states that the identical  
money which he paid his said father  
for said lands was paid to the said  
Isaiah's vendor and thus extinguished  
or lessened that lien, he is advised to  
this extent he should in equity be per-  
mitted to share pro rata the fund  
arising from said sale, with the holder  
of the original vendor claim this sum so  
paid by him was when paid the sum of \$320  
and was paid on the day of 18

Your petitioner is advised that as against  
the judgment lien holders <sup>or other creditors</sup>, he has and  
holds a paramount equity and to that  
extent, should be first paid.

Your petitioner therefore prays that he  
may be made a party, to the bill in  
his individual capacity and be allowed  
to assert, his claim, that an account be  
directed to ascertain how much of the  
sum paid by your petitioner was  
actually paid in discharge of the  
original vendors lien, and when as -



certained that he be permitted to partic-  
ipate in the distribution of said fund  
as in and by your petition well ever  
may.

Orderned  
for Petitioner



M. C. Passanuneri

vs Petition of  
J. D. M. Burk

David M. Burk adm

Filed - Aug 1881

J. C. Blount  
ccdr



To the Honorable John A Kelly Judge of  
the Circuit Court of Lu County, &c

Your Petitioner Sarah Burk would  
respectfully, represents that she is the widow  
of Leander Burk, deceased That as such  
she paid, to Alex. L Loyd after the death of  
her husband the sum of \$95.00 towards the  
purchase price of a tract of land purchased  
by her husband from from said Loyd.

She will now further show your Honor that  
at the time she made that payment she  
thought that by making said payment the  
land so purchased by her husband might  
be sold, to her and her children, But  
sometime thereafter suits were instituted  
by M. C. Parsons assignee &c for &c, against  
S F Burk Administrator & others and E. W. Bick  
op. vs the same the object of which was  
to sell enough of said lands to pay the  
balance of the unpaid purchase money  
still remaining due on said land,

And in said suits said lands were all  
sold it appearing that all of said land  
would have to be sold, so after paying  
the residue of the debts the balance of  
the lands would be of little value,

Under the decrees taken in said causes  
the lands were sold, and after setting



these purchase money debts, there remained  
\$311.00. out of this sum your petitioner has  
had one third, or \$103.66 $\frac{2}{3}$ . Leaving in said  
commissioners hands the sum of \$207.33  
since that time one A R Surgen has filed  
his petition in said cause claiming  
a part of it on account, of a judgement  
which he as security of Levaiah Bush  
has had to pay. Your Petitioner in no  
way resists the said Surgen's claim, but  
she supposes it to be all right, but she  
claims that she has a lien upon said  
sum, for the amount which she paid  
on the purchase price of said land, be-  
cause if she had not paid <sup>said</sup> sum of \$95.00  
there would have been that much more  
money still due on said land for ~~the~~  
which it would have to have been sold.  
And this sum of \$95.00 with its interest from  
the 1<sup>st</sup> day of March 1877 the time it was paid  
she prays may be decreed to her out of the pur-  
chase price of said land still remaining in  
the hands of said commissioners -

and to this petition she makes A R Surgen  
a party defendant and asks that he by  
proper process be compelled to answer and  
show cause against the prayer if any he  
can. and as in duty she will ever pray &c.

Richard W. W. & Son  
for Petitioner



Sarah J. Bush

25-3 Petition

to F. Bush & Adam Co



In the Circuit Court of Lu County.  
Lu County to wit:

To The Honorable John A. Kelly Judge  
of The said Court in chancery.

Your Petitioner A.R. Sanger  
humbly complaining, would respectfully  
shew unto your honor, That, at  
the March term of your honor's court  
1882, your Petitioner obtained a jud-  
gment against one David H. Burk,  
administrator of the estate of Isaac  
Burk deceased for the sum of \$91.57.  
with interest &c. and \$7.08 costs at  
law &c. a copy of which judgment  
is herewith filed, marked "A" and  
prayed to be considered as part  
hereof. Your Petitioner would further  
shew unto your honor, That his said  
judgment of \$91.57 was for a certain  
debt, interest and costs, which he was  
compelled to pay for the said Isaac



Bull, <sup>decedent</sup> as his security to P. H. Allen and  
J. P. Carnes as administrators of the estate  
of James J. Loyd, as shown by a copy  
of the said Judgment herewith filed marked B.  
Your petitioners would further shew unto  
Your Honor, that the Judgment obtained,  
by the said Allen & Carnes as admors &c.  
against your petitioners as sureties  
of himself and the said Bull decedent,  
was based upon a certain bond  
executed by your petitioners as security  
for the said Bull. a copy of which  
bond is herewith filed as part hereof.  
Marked "C". Your petitioners would  
further shew unto Your Honor, that  
he is advised, that a Court of  
Equity will substitute him for, and  
place him in shoes of the said Allen  
and Carnes in respect to any rights  
which they may have had against  
the said Bull. and prays Your Honor



to be thus subrogated, and his said  
judgment be enforced against any  
fund which may be due the estate  
of the said Bank deceased. Your  
Petitioner now states to your honor,  
that there have been two several chan-  
cery causes instituted and now de-  
pending in your honor's Court, to  
enforce certain judgments and  
vendors liens against the Real estate  
of the said Bank deceased, in which  
said Causes, C. T. Duncan was appoin-  
ted a Commissioner to sell the land &c.,  
and it appears by the report of Commissioner  
Duncan that the land of the said  
Bank has been sold and the object  
of the said Causes fully attained,  
leaving a surplus of more than  
three hundred dollars due the estate  
of the said Bank <sup>in the hands of the said Commissioner</sup> said. The object  
of this petition is have your



petitioners said judgment satisfied  
out of the fund now in Corrie Duncan  
hands. That Corrie Duncan be di-  
rected to pay your petitioners the  
amount of his judgment in-  
terest and cost, and as in duty  
bound he will ever pay.

A. R. Sargent

7

R. D. D.

A. R. Sargent

Vernon } Petition

David Burkh's adm.

Filed Sept 1883

J. C. S. Hyatt  
clerk



\$70.00

Twelve months after date see or either  
of us promise to pay to J. H. Allen & J. P.  
Carnes Admrs of Dr James T. Loyds Estate  
the amount of Seventy Dollars for value  
received and we hereby waive the benefit of our  
homestead & the exemption laws as to this debt  
witness our hands & seal this 27<sup>th</sup> October 1876.

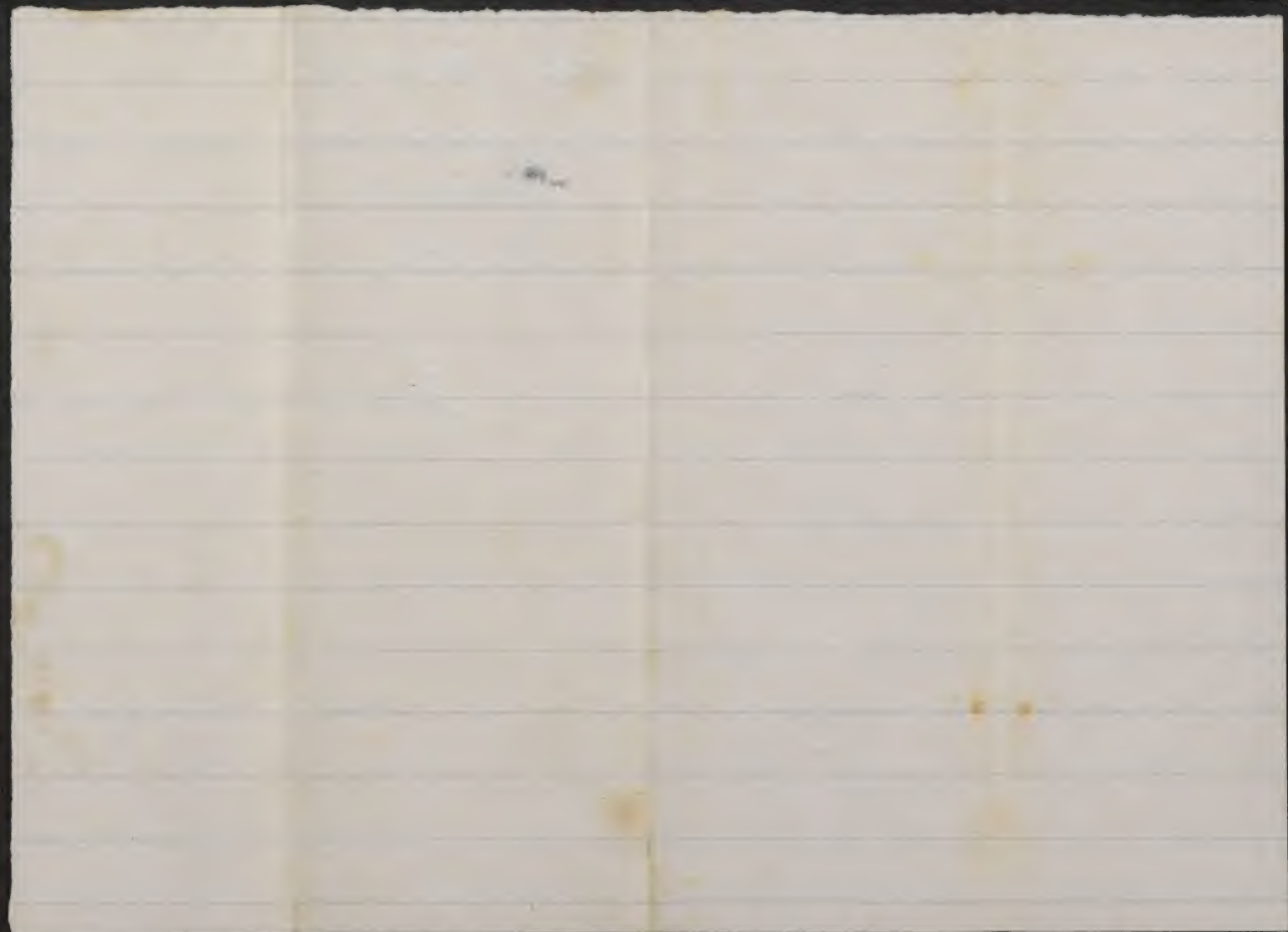
Isaiah F. Burk Secy

as Security A. B. Surgenen Secy

A Copy Leste -

J. A. Hyatt Clerk







To the Hon John A Kelley Judge of the circuit  
court of his county Vt.

The answer of A. R. Duggan to a  
rule issued against respondent concerning the  
rights pending in your Honor's court between  
H. B. Parsons & Duggan & David Bank Adm<sup>r</sup>  
of the E. R. Bishop & David Bank Adm<sup>r</sup> of the

The respondent says he is adverse to accept the  
said rule because it bases on no sufficient  
grounds to believe that it is proper to be made. It  
is different in law & dismissed because impracticably  
granted. Further answering respondent denies  
any collusion or agreement between himself of  
bidding or to in any way hinder said sale  
with answering respondent says on the  
4<sup>th</sup> August 1880 he bid \$725<sup>00</sup> for the land  
referred to in said rule, that he bought it with  
the intention to sell it if he could make some  
money on it, & that he did not buy it to keep or  
to live on, respondent would also show  
that he left town without doing anything  
towards perfecting his offer of purchase and  
as he saw no bids returned on the Thursday  
following said sale with it & he with whom  
he then resided to writing a contract made  
between them, which was when completed for  
the land respondent had bought, said he then  
applied to said Court Duggan in notes for the



number of said sum after deducting the costs which  
was paid the court (amounts to \$79<sup>63</sup>/<sub>100</sub>) by respondent  
Belmont in good faith that his purchase would be repeated  
by a confirmation of said sale. He is permitted as  
respondent is informed to take possession of some of  
said land & went to plowing on it, but the case came  
on & the report of sale was accepted by depts & the  
exception sustained by lower house decree entered  
in said cases on the 1<sup>st</sup> of September 1880 and this rule  
was directed this entering of the exception respondent is  
advised was a virtual setting aside of the sale as there  
indicated respondent was not on a condition to accept but  
in contrast and at the instance of said land respondent  
again & would the contrast existing between them  
and the said respondent was not adverse to  
the offer of \$1000 for said land but shows  
that he would be not with the money paid in said  
purchase & he has been damaged. In fact it would  
be the same that after the decree of Sept 1<sup>st</sup> 1880 the  
plaintiff left in possession of said land & before  
plowing by said land that said land has been before  
has so much said land as to be of great value as to  
the farming has gone down the farm & now of plowing  
going to work a hundred the said parties have  
have committed waste by cutting & removing timber from  
said land & such a waste of timber & such a waste of  
land permitted & even more waste in other ways.  
In present must also show your Honor that the case



...to be paid in ...  
...the ...  
...had not ...  
...the amount of ...  
...the ...  
...the ...  
...having more fully ...  
...proves his money ...  
...his notes ...  
...hence ...  
...in ...  
H. K. Morison

Virginia, Lee County, to wit:  
L. R. Burgener this day personally appeared be-  
fore me and made oath that the facts stated  
in the foregoing answer, so far as they depend  
upon his own knowledge are true and so far  
as they depend upon information derived  
from others he believes them to be true.  
Given under my hand April, 2nd 1887.

James W. O. [Signature]



W. L. Brown & Son  
E. W. Bishop  
J. L. Brown & Son  
J. L. Brown & Son  
J. L. Brown & Son

Filed April 4 1887  
J. L. Brown & Son



To the Honorable John A Kelly Judge  
of the Circuit Court of Lee County  
the separate of Sallie J. Bunk to a Bill  
filed against her and others in this  
Honorable Court by A. S. Lutz for the benefit  
of Andrew Milbourn

Respondent. After receiving the full benefit  
of all fact and proper exceptions to said Bill  
for its errors and misstatements for answers  
thereto or so much thereof as she is advised it  
is material for her to answer. Answering  
says that her late husband purchased the  
land in the Bill mentioned and stated  
as she supposes the two notes sued on  
but as to the certainty of it she cannot say  
it is also true her husband died leaving  
Respondent his wife and the children in  
said Bill mentioned. His heirs at law.  
Respondent supposes it is true that a  
lien was retained upon the land at the  
time the deed was made, but as to that  
cannot state certainly. Respondent denies  
that these two notes remain all unpaid.  
Respondent and the said Mary soon after  
the death of her husband let the said  
A. S. Lutz, before he assigned said notes  
or certainly before she or he. Respondent  
was notified of the transfer. Respondent  
at the price of \$98, or there or about







Respondent charges that said loans will not  
for a sum sufficient to pay said balance  
and unpaid purchase money ~~and~~  
and Mr Melbourn and Mr Bishop in less  
than five years and insists that your Honor  
will direct a vesting of said loans and not  
direct a sale, for a sale would leave Respondent's  
little children homeless and homeless  
Respondent would further represent that  
this suit and that brought by Mr Bishop  
are now pending in this court and asking  
to subject the same loans for the payment of  
her lost money. These suits ~~ought~~ ought not  
to have been brought. One suit would have been  
sufficient, they ought now to be consolidated and  
not subject Respondent to her to suits to two sets  
of costs

Respondent having now answered so much  
of complainant's said Bill as she is answer it  
is material for her to answer ~~up to the~~  
hence assigned with her reasonable costs &c

W. C. C. C.

Virginia &c county to suit

This day Sallie J Beck moved & said before me that  
as it is stated in the foregoing answer and that so far as they  
depend upon her own knowledge & that so far as they depend  
upon information derived from others she believes them  
to be true. This 25 day of Nov 1879  
D. J. Gilbert J. C.



Sallie J Burk  
ass<sup>ts</sup> Insurer  
M. C. Warren agent

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Filed Apr 28th 1877.

Just W. Orclen



So the honorable John A. Keely judge  
of the Circuit Court of Sec county  
the separate answer of David & Bush  
Samuel <sup>value of</sup> & Bush answered  
to a Bill filed against him  
Citizens <sup>by</sup> M C Parsons  
Respondent after receiving the full  
benefit of all exceptions to said  
Bill for its errors & omissions  
for a number of months or so much time  
as he is advised it is necessary for  
him to answer

Answering says it is true his father  
Purchased the land <sup>the road</sup> ~~the road~~ as he supposed  
and he supposes that they are a  
part of the purchase money, when  
the land in the Bill mentioned  
but as to that he requires proof  
of all the allegations as to those  
notes being for said deceased man  
Respondent administered upon  
said estate and sold some titled  
property paid the taxes out of  
it together with the funeral expenses  
and some debts due from said estate  
which leaves nothing in his hands  
to pay on said land. That a  
note he holds on Ant Samuel Bush  
and that cannot tell what



if any thing may be realized  
Out of the same, as Samuel  
Bank refuses to pay it  
Respondent is advised over taxes  
that Complainant Bill and Carl  
brought against the same parties  
by Carl E. H. Bishop and for the  
purpose as the Bills state, of  
enforcing rates for Deer hole  
money against the same parties  
and against the same land, and  
it is advised that said two  
suits ought to be consolidated  
so as to save costs. This land  
is very poor & should not be  
burdened in costs

Respondent having now heard  
so much of Complainant's suit  
Bill as he is advised it is not  
for him to answer says to be  
tired and goes with his usual  
costs &c

Deborah

Virginia Lee county to wit  
this day I H Bank saw of  
Estate of J H Bank and more  
said before me that the facts as  
stated in the foregoing answer



And true so far as they defend  
upon his own knowledge and  
that so far as they defend upon  
information derived from others  
he believes them to be true;

Nov 27th 1879

James H. Orr, Clerk



L. H. Bump Sum.  
as 3rd Summ.

J. C. Parsons

Filed Nov 28<sup>th</sup> 1879.  
Jas. W. Cor. Clk.



To the Honorable John A. Allen, Judge of  
the Circuit Court of Lehigh County, Pa.  
The Answer of Susan, Nellie, Walter D.,  
Robert E. L., Eliza T., John & Sarah Burk, infant  
Children of Sarah S. Burk dec'd by R. W. Orr Jr. to  
a Bill in Chancery filed in your Honors Court  
by M. C. Parsons assignee &c against these  
wards et al. In answer your Respondent  
says that he knows nothing of the truth or  
falsity of the allegations in said bill, and is  
advised of no defense proper for him to make  
as their guardian in the said cause, but this  
Court is a court of equity, and such Court  
being the peculiar guardian of the rights &  
interests of infants, your Respondent proposes  
to place the rights and interests of his said  
Ward into the hands of your Honor, knowing  
that they will be there protected.

R. W. Orr Jr.  
Guardian ad litem

Sworn to before me March 5th 1877

James H. Orr, Clerk.



Mathie, Bark & Co.

2 Dec. 1894  
G. A. L.

3. 4. 5.

1877 Apr. 14

Dec, 3



in the case of John H. Kelley Judge of the  
circuit court of Lee county Va

The answer of A. S. Best to a  
writ directed by decree of your honorable  
court entered in the chancery cases of  
H. C. Parsons assignee v. David Bush and v. et  
al. and C. M. Bishop v. David Bush and v. et al.  
on the 1<sup>st</sup> September 1880. Respondent objects to  
the sufficiency in law of the proceeding in this  
case against him <sup>as</sup> against the owner in equity  
or dismissed. He <sup>is</sup> of further answer <sup>being</sup> that  
said case that it appears from the said  
decree <sup>appears in said decree that</sup> that there were exceptions filed by  
the day to the report of sale & that said exceptions  
were sustained to said report, and respondent is  
advised that the effect of sustaining said ex-  
ceptions was to set aside the said sale & that  
he reported as one of the exceptions was "From  
the sale is so low as to be unreasonable" and the  
sustaining said exceptions was entirely to leave the  
sale to be made the court would not infer it  
be that as it may respondent was only induced to  
make the contract of purchase which he did not  
with his co-defendant by the fact that he knew of  
an advantageous sale he could make of his own  
lands, when made it left respondent without a  
form, believing that he could get possession of  
said land at August 1880 term of your honorable court



he made the contract but when the deed came &  
the expenses were constant respondent was still out  
of a frame his own was sold, he was compelled  
to do something so he saw his no defendant and  
at respondent's instance the contract between them  
was executed & respondent was compelled to get  
a frame <sup>or building & in order to make a thing</sup> as he brought some of James M.  
Hawley which took all his means to say to  
respondent now that he should take the  
land also at the contract between him and  
Singer would be to require respondent  
to do an impossibility, it would ultimately in  
the financial ruin of respondent without any  
advantage to self. Respondent would now state  
that at the time of the sale he believed  
he would get the land if Singer got  
it, that after the sale he concluded the sale  
of his own lands & on the Thursday following  
the sale reported by Commissioner Duncan re-  
spondent and Singer closed up their books and  
respondent executed to said Commissioner his  
bonds for the <sup>(after deducting the cost of said sale)</sup> machine of the price Singer had  
agreed to give for it to wit \$925.00 with said Singer  
as the account. Payable in equal installments at 2, 4, 6 &  
months respectively with interest from the day of sale.  
Respondent had agreed to give Singer \$1200.00 for  
said land payable in 6, 12 & 18 months without interest  
& this was the contract. Respondent would also



show you how that at the August Term 1888  
he was anxious to take said lot at \$1200<sup>00</sup> on  
the terms of his contract as it would give him  
a home, when he was himself that to take it  
now would be ~~more~~ to respondent, without  
advantage to any, for the lands as an  
investment even if respondent had the means  
would be unprofitable; however respondent  
thinks the price he agreed to give was the  
full value of the land, besides which  
said respondent that those in possession  
have materially improved the premises and  
have committed waste by cutting &  
removing valuable timber by keeping  
the fence to go down & in divers  
other ways permitted the premises to  
go to rack & ruin in value,  
Respondent would also show that he was  
permitted to go to taking in said lands after  
his contract & before the August Term 1888 but  
the action of the court left the possession  
of the premises in the hands of respondent  
would further show that he has no  
concern with his co-defendant or unde-  
standing by which he in any way inter-  
fered with said respondent or invited competition  
in the bidding or sale or knew of same, he  
thought that if he chose to purchase the



said of Senguer at an advance over  
 what Senguer gave he had a perfect  
 right to do so, that his contract with  
 Senguer was private affair of their  
 own & that if Senguer chose to take  
 & he to offer him a price in advance  
 of what he gave it could injure  
 no one, & respondent is advised that  
 there is no law that forbids a purchaser  
 at a judicial sale from selling or  
 any person from buying of such a  
 purchaser any thing bought at such a  
 sale, if such was understood to be the  
 case judicial sales would indeed be  
 made at a sacrifice & a reference to debtors  
 for sales would bring that which it is  
 unlawful action to purchase or sell  
 and having fully answered all that  
 he is advised it is material for him  
 to answer respondent prays that  
 his bonds be cancelled & delivered  
 up & he hence discharges with  
 his costs & as in duty &c

H. K. Morrison  
 for Plaintiff

The undersigned  
 in and for  
 the Plaintiff

Daniel Burke & Son

The undersigned  
 for Defendant

Done and before me by J. S. Lee Nov 1881.  
 James H. Orr, Clerk



To the Honorable John A. Kelly Judge  
of the Circuit Court of Kentucky

The respondent Answer of Sallie J. Borden  
to a Bill filed in this Honorable Court  
against her and others by E. W. Bishop  
Respondent for annuities thereon or so  
much thereof as she is advised it is  
material for her to answer.

Answering says that she opposes  
it is true that the notes sued on are  
for part purchase of the land in the  
Bill mentioned, but she cannot  
admit that no part of either purchase  
has been paid. she does not know how  
that is. Her husband purchased the  
land at the price of twenty seven  
hundred dollars and she understands  
has paid it pretty well all, but  
she did not inform of her husband  
before his death, to borrow the most  
annuity remaining due upon it  
hence she cannot state what sum  
remains still due. Respondent supposes  
a lien was retained in the deed for  
the unpaid balance of purchase money  
though a good deal has been paid since  
the deed was made.

Respondent is advised that she is  
entitled to dower in all the land



especially to the full extent it has  
been paid for. This has not been  
taken off or assigned to her.  
Respondent here inserts that in her  
caution with a large dependent  
family of small children. That  
said bond ought to be rented subject  
to her claims <sup>in other cases</sup> ~~supplies~~, or that her claim  
in said bond be assigned to her and  
the amount ~~be used~~ to pay this debt.  
As it will rent for a sum sufficient to  
pay the said balance of her stock-  
money and upon it in less than  
five years, there is doubt and the  
estate if the Adams can collect their  
money if not quite sufficient to pay  
the residue of said purchased money  
and upon it and if he can have  
a little further time believes he can  
collect said debts, or at least part of  
it, and then send to her little children  
a home. That will necessarily be sacrificed  
if sold to pay this balance of purchased  
money.

Having now answered so much of  
complainant's said Bill as she is  
aware it is material for her  
to answer, prays to be heard  
assigned with her ~~recommender~~ <sup>with</sup>  
Halloway



Virginia Lee county to wit  
This day Sullis J Burk made Oath  
before the undersigned that the facts  
as stated in the foregoing answer  
are true so far as they depend upon  
her own knowledge and that so far  
as they depend upon information  
derived from others she believes  
them to be true

This 28 day of Nov

1879

J. S. Gilbert J. P.



Letter 113 to  
Mrs E. Annan  
E. W. Bishop

---

Filed Nov 28th 1877.  
Jas W. Con. Clerk.



M.C.Parsons

*for 76.*

vs.

D.F.Burk Admr. &c.et als.

This cause came on this day to be heard on the papers formerly read in the cause and the report of C.T.Duncan Commissioner this day filed and was argued by counsel.

There being no exceptions to said report, it is confirmed and there appearing nothing further to be done in said cause it is stricken from the docket.



M. L. Porcans for 76  
75  $\frac{1}{2}$  Deer a final  
D. H. Burr & Adams & Co.

Enter this Deane  
111.2.11  
June 16<sup>th</sup> 1897.



M. C. Parsons assignee vs for vs. Deft  
rs 3 In chcy  
D. F. Burk Sumr. vs. it also Defts

and

E. W. Bishop. Deft  
rs 3 In chcy  
D. F. Burk Sumr vs it also Defts

These causes came on again this day to be further heard upon the papers formerly read. The report of C. T. Duncan Commissioner this day filed the deed accompanying said report and the petition of H. B. Dungen filed at this term of the Court and was argued by counsel. On consideration whereof said report and deed are confirmed and the grantee under said deed is allowed to withdraw the same from the files of the cause for recordation but before doing so he will pay <sup>C. T. Duncan</sup> said Commissioner five dollars for making and executing said deed. And it appears to the Court that Sarah J. Burk widow of Isaac H. Burk decd is entitled to dower in the \$311.00 surplus for which said land sold, and she agrees



ing to take commutation in lieu of said dower by consent of the widow and heirs of said Leachin Burk death by This Council, and by like consent of AR Surgeon by his counsel it is adjudged and decreed That said Sarah J Burk Take and hold one Third part of said surplus of \$311.<sup>08</sup> as and for her dower therein. and Commissioner C.T. Dimsan will proceed to collect that sum out of the sum loaned by him and pay it over to Mrs Burk Take her receipt for the same report his action to a future term of This Court and These cases are continued.

Mr C Parsons assignee for  
vs. E. Deane  
D. H. Burk Sum of

and  
E. W. Bishop  
vs.  
the Same

Entered pages 343-4  
J. A. Hyatt  
clerk

Entered This decree  
Sept 6<sup>th</sup> 1883



M. C. Parsons assignee Deft }  
against } in chg  
David Burk adm. Deft }

E. W. Bishop --- Deft. }  
against } in chg  
David Burk adm. Deft }

These causes came on again this day to be heard upon the papers formerly read, and the report of C. T. Duncan special Commissioner & exhibits & vouchers filed therewith.

and the petitioner David Burk, praying for the surplus in said cause to be paid over to him; and warranted by Counsel, on consideration whereof, the Court is of opinion, and so orders and decrees that said petition, be rejected, and if said Burk desires, he may leave to file his Cross bill against ~~said~~ ~~him~~ his co-defendants - and co-tenants asserting his alleged former purchase, and right thereunder to demand the surplus in said cause - and no exceptions appearing to said Duncans report the same and the payments reported are each confirmed and said Commissioner is directed to collect the balance of the purchase money due on said notes and pay the







E. H. Bishop vs. Peff

vs.

David Bank and vs. Defts.

M. L. Parsons vs. Peff

In Chancery.

vs.

David Bank and vs. Defts.

These causes came on again this day to be again further heard on the papers formerly read in the causes and the report of C. J. Duncan Com. made the 21st day of June 1881, showing the sale of the lands in the bills presented to A. R. Sarginner at the price of \$853.50 And that James D. L. Parrott by his Counsel presented his petition in these causes praying to be allowed to raise <sup>for said land</sup> the sum of \$1200.00 and he having given bond and security with condition to make said land bring said sum in the event of a sale thereof And was argued by counsel. On consideration of all which it is adjudged ordered and decreed that said sale be set aside and a resale thereof is ordered at an upset price of \$1200.00 And said C. J. Duncan will proceed to sell said land again and in doing so will require so much cash in hand as will pay the costs of suit and sale and out of the same he will pay the former purchaser Sarginner the sum already paid by him And as to the residue of the purchase money it is required to bear interest from June 21 1881 and payable at the <sup>same</sup> time as of the former sale.



payments of the former sale. said Duncan will  
report his action under this decree to the Court  
and the causes are continued

M. G. Parsons assignee

Wm. Beshef

vs. { Deane

Debit Deane's debt

Continued page 200.

(See P. L. & H. 11  
Coleridge)

Enter this

1. 4th

1950. 11



H. C. Parsons vs David Paulson  
C. M. Bishop vs same

These causes come on again to be heard on the papers heretofore read in the causes, the rule upon the purchase of N. S. Cox and A. R. Sargent, their answers thereto, and the affidavits filed in support of the answer, and was argued by Counsel. On consideration whereof it appears to the Court, that, by the act of the defendants, the purchaser N. S. Cox has been deprived of the possession of the land in controversy, so that an entire year's crop must thereby have been lost to him, that his purchase from the first bidder, A. R. Sargent was on terms, greatly exceeding the difference between the price bids, and the price agreed to be paid to said Sargent; and further, that there ~~has been some damage done, and deterioration to the said~~ said land, by the parties here, claiming the ~~possession~~ of the said land for some years ago, to be paid to said Sargent over his said bid, and <sup>that</sup> very great delay in getting possession of the property, is also probably the case, but alleged as ~~being~~ the cause of said Cox, <sup>how</sup> ~~making~~ made it necessary ~~in~~ <sup>in</sup> ~~the~~ <sup>his</sup> ~~case~~ <sup>parties dependent</sup> ~~for~~ <sup>the</sup> said purchase, to change his conditions, and especially, as the ~~parties~~ <sup>he</sup> ~~desired~~ <sup>thing</sup> to insist upon a confirmation of the sale, at the last term, <sup>being</sup> ~~the~~ <sup>one</sup> ~~open~~ <sup>only</sup>, the question as to the payment by the purchaser of the excess agreed to be paid by the purchaser to said Sargent; and letting said Cox into <sup>possession</sup> ~~possession~~; it is therefore adjudged that the sale made to said Cox be set aside, his bonds delivered



up to him to be consolded; and that Commisinal Buncan  
proceed to resell the land under and according to the  
terms of the former decree, requiring in addition to the cash  
in hand, he has there require, a further sum sufficient to meet  
any additional costs, incurred by the plaintiff herein; under  
as well as the amount in cash paid in by said loan on his  
purchase & its interest to be repaid to him: and  
the Commissioner will out of the cash thereat repay said loan  
the sum thus advanced by him.

Entered Page 193

John C. Brock D.C.

John  
Brock  
Oct. 27/81



E. H. Bishop.

Plff

75

3 In Chancery,

D. F. Burdett & al.

Def

And

M. C. Parsons assignee for.

Plff

75

3 In Chancery,

Same

Def.

These causes came on again this 1<sup>st</sup> day of September 1880 to be heard upon the papers formerly read in the cause the report of C. T. Duncan Comr. filed on the day of August 1880 and exceptions thereto, the affidavit of A. L. Price more & C. T. Duncan filed with said exceptions and was argued by Counsel on consideration whereof it is adjudged ordered and decreed that said exceptions be sustained and it appearing to the Court that A. R. Sargens transferred his bid to N. S. Cox, on said land at an advance of \$275.00 it is further adjudged and decreed that a rule be awarded against the said Sargens and the said Cox returnable to the first day of the next term <sup>of this Court</sup> to show cause if any they can why said advance



aforesaid shall not be paid to the Admr.  
 and his of the said Sarah Burt decedent  
 and why the Case of the Land shall not  
 be confirmed to the said Cox at the price  
 of \$1200 That being the sum then owing  
 to say said Surplus therefor and This Cause  
 is continued till the next Term

M. C. Proams Esq.

vs. Decree

S. F. Burt decedent et al.

Entered page

148.

H. H. Stearns, R.

Enter into decree

Sept. 17, 1882.



M. C. Parsons Assignee Pltff.

vs

David S. Burk Adm. et al Defts

This Cause came on this day to be heard upon the Bill & Exhibits filed there-with & the answer of R. W. Orr Jr Guardian ad litem for the infant Defendants, the answer of David S. Burk Adm. of Isaac Burk Decd. & the answer of Sallie J. Burk widow of Isaac Burk Decd. & the Petition of Wm H. Horton Assignee & was argued by Counsel ~~On Cause deprecation~~ whereof & by consent of the said D. S. Burk Adm. &c it is adjudged, ordered & decreed that the said M. C. Parsons for the benefit of Andrew Milbourne recover of the said David S. Burk Adm. &c the sum of \$250<sup>00</sup> with legal interest on \$125<sup>00</sup> paid thereof from the 1<sup>st</sup> day of March 1877 till paid & like interest on \$125<sup>00</sup> the residue thereof from the 1<sup>st</sup> day of March 1878 till paid, <sup>and the costs of this suit</sup> And that Wm H. Horton Assignee recover of the said Defendants \$125<sup>00</sup> with legal int. thereon from the 1<sup>st</sup> day of March 1878 subject to a credit of \$23.91 paid on the 20<sup>th</sup> day of April 1878. And it further appearing to the Court, that said several sums are for the purchase price of land sold to Isaac S. Burk in



his life time had that a Lien was retained  
 upon said Land by the vendor, it is therefore  
 adjudged ordered & decreed that unless the  
 said Admr, of the said Isaiah F. Bush  
 shall pay the said several sums herein de-  
 creed to the parties entitled thereto within  
 thirty days from the rising of this Court  
 then that C. S. Duncan who is appointed  
 Special Commissioner for the purpose shall  
 proceed to sell upon a Credit of six & twelve  
 months <sup>Eighty months</sup> the lands in the Bill & proceedings  
 mentioned or enough thereof to pay said  
 several sums herein before decreed to be paid  
 the interest thereon & the Costs of this suit &  
 the Commission of Sale, the Costs & Commis-  
 sions of Sale will be required to be paid down  
 bond with good personal security required  
 for deferred payments, said Sale shall be  
 made at the front door of the Court House  
 on some Court day but before proceeding  
 to sell, said Court, will advertise the time  
 & place of sale by putting written notices  
 thereof at three public places in said County  
 one of which shall be upon the Court House  
 door & another in the neighborhood where the  
 land lies, said Court, will report his action  
 to the next term of this Court and it being  
 suggested to the Court that the Cause of J. W. Bishop  
 now pending in this Court against the same parties  
 in which a decree of sale has been heretofore entered in  
 for the purpose of enforcing a similar Lien upon  
 a part of the same tract of Land said Cause is con-  
 sidered in relation to this, and they shall be brought  
 on together and said cause on con-  
 tinued till the next term.

M. C. Harris assigned for

U.S. District Court

Dec 11 1877

Made it conform to the  
 decree in reference to the  
 time of sale of said land



of a certain quantity to wit  
This day C. N. Thompson  
personally came before me  
& made oath that he is acquainted  
with the land belonging to  
the heirs of Asah Burks & heirs  
situated in this county that  
the widow & heirs of said  
Burks are now & have  
been since the Circuit Court  
1886 in possession thereof  
that said land since said  
time has been depreciating  
in value, the same is going  
to rack in fencing & buildings  
that it is not kept in good  
farm like manner since  
said time that there has been  
cut & hauled from said  
land valuable & necessary  
timber ~~as that affixed thereto~~  
~~is injured & damaged~~  
~~the place is damaged at least~~

C. N. Thompson

Subscribed to before me by C. N. Thompson.

April 6<sup>th</sup> 1887.

James W. Orick.



In the county to wit

This day A. R. Surgeon  
personally came before me  
& made oath that the section  
& line of I. Oak Brook are  
in possession of the land  
which has been since the August term 1880 <sup>by the said Surgeon</sup>  
in saccharine & that <sup>by the said Surgeon</sup>  
& hauling timber & digging the  
fencing & fence building to  
go down that the fence  
has not been kept in good  
farm like manner since  
said time & has depreciated in  
value from \$150. to \$200. <sup>by the said Surgeon</sup> that  
there has been as affiant is  
informed <sup>& believes</sup> that large quantities  
of cedar posts have been  
removed from said land & that  
necessary timber sold & removed  
from the premises, ~~all of which~~  
it

A. R. Surgeon

Subscribed to before me by A. R. Surgeon Apr 6<sup>th</sup> 1881.  
James W. Orr, Clerk.



M. C. Parsons assignee for etc.

vs.

In Chancery

D. F. Burt Admr. etc. et als.

and

E. W. Bishop

vs.

In Chancery.

The same parties

To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County Virginia

Pursuant to a decree rendered and pro  
nounced in the first above named cause on  
the 4<sup>th</sup> day of December 1879, and a decree inter  
ed on the 4<sup>th</sup> day of April 1879, in the second  
above named causes as modified by said  
Decree of December the 4<sup>th</sup> 1879. the undersign  
ed Commissioner, after having advertised  
the time place and terms of sale as directed  
in the decrees aforesaid, on the 22<sup>d</sup> day of  
June 1880 that being Court day of full  
for sale to the highest bidder in front of the  
Court House door of Lee County, on a credit  
of six twelve & eighteen months the land in  
the bill and proceedings mentioned. I as  
certained that it would take about \$800.<sup>00</sup>  
to satisfy the terms of said decrees, and could  
get no bid by the acre and in fact to have sold  
by the acre would have left such a small quan  
tity of said land that it would have been of very



little or no advantage to any person I therefore  
agreed the whole tract for sale and Nathan S  
Cox bid for it the sum of nine hundred & twenty  
five dollars, or rather A R Surgen bid that sum  
and in my presence transferred his bid to said  
N. S. Cox, whom he directed me to report as the  
purchaser. said Cox then paid me down  
in cash the sum of \$99.63 that sum being ne-  
cessary to pay costs of suit, and Commission  
of sale, and he executed to me as Commissioner  
his note for \$825.37, the residue of said sum  
of \$925.00 payable in 6 12. & 18 months bear-  
ing interest from date, and gave A R Surgen  
as for security, of the sum paid to in cash  
I paid to Thomas S Ely Sheriff \$11.00 his costs  
in said two causes as taxed by the Clerk  
his receipt for which is her filed marked (1) I  
paid to J W Orr his costs as Clerk in said  
two causes amounting to \$15.63 and file him  
with his receipt for same marked (2). I also paid  
to said J W Orr, representative of R W Orr  
who was guardian ad litem in said two causes  
\$10.00 being his fee in each, and file his receipt  
for same marked (3). I obtained my fees  
as attorney in said causes being \$3.00 and  
my commissions amounting to \$27.00  
which I have in my hands for estimated costs  
the sum of \$50.00 for estimated costs.



This sale may and perhaps does appear to the widow and heirs of Sarah H. Burr to be a very low sale considering the fact that he had contracted to pay \$2700. for it, but he no doubt paid largely more than the land was worth or agreed to pay it. The land is very poor and not all desirable to farmers, but if an advance bid can be put in by or for the widow and heirs, none would be more gratified than your Commissioner, in that I have bound the sale from time to time to allow them an opportunity to make arrangements to purchase it, and unless said advanced bid is put in I would recommend a confirmation of said sale.

Respectfully Submitted

C. T. Duncan

Commissioner



The within report is excepted to by the  
Heirs of Isaiah F. Burk.

1<sup>st</sup>. Because the sale is so low as to be  
unimprovable & inequitable

2. Because A. R. Surgenor was the ac-  
tual bidder, and sold the land at the  
time to Saind Cox for an advance of \$300.  
which was the result of a private  
agreement & prevented competition at the  
sale.

3<sup>d</sup>. Because J. M. Manly & A. R. Surgen-  
or, the purchaser was agreed on the day  
of sale not to bid against each other  
as they were partners in the profits made  
and thus prevented a full &  
fair sale.

4. Because the court had no  
power to sell more land than  
would pay the debt. Aug. 30  
1880.

Hagan & Padon

Filed Aug 4<sup>th</sup> 1880.

J. R. O'Conley d. c.

N. C. Prosser Assessor  
vs. Report of Com.  
J. F. Burk Administrators



M. C. Parsons assignor to J. C. 16. 1877

28

1877

J. C. Parsons Assignor to J. C. 16. 1877

1877

and

C. H. Bishop

1877

28

1877

1877

1877

To the Hon. John & Henry judges  
of the Circuit Court

Pursuant to a decree of your Honors Court  
rendered and pronounced in the above  
causes on the day of April, 1881. The  
undersigned Commissioner again exposed  
the lands in the bill and proceedings then  
traced for sale at front door of the Court House  
on the 2nd day of June 1881. on the terms  
fixed in the decrees of the 4th day of Decem-  
ber 1879, & 4th day of April 1879, and at  
said resale F. R. Surgeson became the  
purchaser at the price of \$553.50  
of this sum I allowed him to retain the  
sum of \$99.33. that being the sum he  
and he paid down to me at the time



all for costs and commissions  
and allowed him interest on said  
sum for 1 year but being the time  
when had elapsed from the purchase  
date, and said sum and interest amount  
ed to \$105.33. I then required him to pay  
down to me the commissions of last  
sale amounting to \$1303 and there was  
deducted from the price bid for said  
land leaves a balance of \$735.19 for  
which said purchaser executed his  
note payable in six 12 & 18 months  
bearing interest from date with  
city as security. Your commission  
on said security ample and ap-  
proprate. As stated in my former  
report this land was purchased by  
Isaac F. Burr at the price of  
\$2700 or \$2750 and this sale through  
me was a low one but I did every  
thing in my power to get a higher  
price I offered the land my business  
as well as the best one could get



the bill by the acre that would anything  
with pay the debts, and by a calcu-  
lation filed herewith, of the debts  
decreed to be paid out of the sale of  
said lands it will be seen that said  
debts (all of which is unpaid, purchase  
money) amount to the sum of \$735<sup>47</sup>  
a few cents more than the net pro-  
ceeds of the sale of said land.

The same & will now be  
given every chance by your com-  
missioners ~~that~~ we could give them  
to pay for this land <sup>(with debts)</sup> and accept it as  
a name but they have failed to  
make any arrangements to that  
end the creditors now are being  
delayed in the collection of this  
money and your commission  
is compelled to ask that this sale  
be confirmed

June 21<sup>st</sup> 1881 Res. respectfully submitted

C. J. Freeman  
Special Counsel



41786  
16 C. S. Burgess  
157 Report of  
Sales

D. H. Burk Admiralty  
and

C. W. Burroughs.

vs.

Same

---

Filed June 22<sup>nd</sup> 1881  
Prob. & Ins. Ct.

1/200 Dec. 21<sup>st</sup> 1881



M. C. Parsons assignor for so. . . . . Petff

vs

3 In chey.

D. F. Burt Samr so. et al . . . . . Defts

~~The undersigned a Commissioner~~

Ed. Wild assignor for so. . . . . Plaintiff

vs

3 In chey.

The Same . . . . . Defts

The undersigned a Commissioner hitherto appointed to collect the purchase money for which said lands were sold. By letter to report that he has collected all the purchase money due on said land, except about the sum of \$75.00, and that the note for the same is ample and good, and as the purchaser has sold said land and directed it to be conveyed to Alexander Hyman, who is anxious to have a deed, your Commissioner is of opinion that said deed ought to be made and has accordingly filed herewith a deed conveying said land to him, Your Commissioner would.



for this report, That by his former report he showed That There was \$311.05 of the purchase price of said land, over and above the sum due to the several creditors, in said suits. This sum is claimed by the widow as and for her dower, in said land, and there is no doubt but what she is entitled to it or at least to a portion of it. A R Surgeon is he has a Judgment against The Bank of Louisiana Bank for a debt which he said Surgeon paid for said Bank on a note executed by said Bank in his lifetime to which said Surgeon was security. D H Bank has filed his petition alleging that he is entitled to said fund. This sum of \$311.05 and costs has been loaned by your Court pursuant to a former order of the Court, but your Commissioner would be glad that the rights of these claimants to said fund be settled so that he could collect said money pay it over and



Strike the Cases from the docket,  
all of which is respectfully  
submitted.

Sept 30<sup>th</sup> 1883. C. T. Duncan Counr



M. C. Parsons for 75  
75- 3 <sup>1/2</sup> ~~Leaves~~ Report.  
D. H. Burr & Amos & Co

Filed Sept. 1883  
J. A. G. Hyatt  
clerk



Leviah H Burdett & Sons.

To M. C. Parsons assignee for the, Dr,

Note due March 1- 1877	125.00
Interest to Dec 31- 1881	<u>36.25</u>
	161.25
Or By cash Dec 31- 1881.	<u>105.00</u>
	56.25
Int on Same to Aug 22- 1882	2.17
2 Note due March 1- 1878.	125.00
Int on Same to Aug. 22 1882	<u>33.58</u>
	217.00
Or Aug 22 1882 by cash	<u>105.00</u>
	112.00
Int on Same to Nov. 22 1882	<u>1.68</u>
	118.68

Received of C. T. Duncan Commissioner in the  
Chancery cause of E W Bishop. vs D H Burdett & Sons  
vs. others and M. C. Parsons assignee for vs vs  
the same defendants Three hundred and  
Twenty Three dollars and sixty eight Cents,  
amount in full of the sum decreed me in the  
last above styled cause, One hundred and  
five dollars of which was paid Dec 31<sup>st</sup> 1881.  
One hundred and five dollars of which was paid  
August 22. 1882. and the balance One hundred  
and Thirteen dollars & 68 Cents This day paid.  
This 22<sup>nd</sup> day of November 1882.

Andrew Milbourn assignee  
of M. C. Parsons. who was  
assignee of A. L. Lloyd



A Milbourn assign<sup>to</sup>

To  $\frac{1}{3}$  Rept

6 J. Duncan Comr



To the Honorable John A. Kelly Judge of  
the Circuit Court of Lu County vs.

The undersigned special commis-  
sioner in the Chancery Cause of M. C.  
Parsons assignee vs. vs D. F. Burk admr vs  
et als and E. H. Bishop vs the same would  
respectfully report that by a decree enter-  
ed in said Cause at the August Term 1881  
of your Honors Court he was directed to  
resell the lands in the said bills and  
proceedings in said Causes mentioned  
to the highest bidder on a credit of 6. 12.  
& 18 months dating from the last sale of  
said land made in said Cause and  
requiring to be paid down a sufficient sum  
to repay to the former purchaser the sum paid  
down by him by way of costs and com-  
missions of sale and the expenses and com-  
missions of the last sale. by a further pro-  
vision of said decree your Commissioner was  
directed to start said land at the price of two hun-  
dred dollars that being the report bid of D. C.  
Parrott Your Commissioner advertised  
said land for sale pursuant to said de-  
cree and on the 20<sup>th</sup> day of December  
1881. that being Court day, offered said  
land for sale at the Court House door of  
said County starting the same at the  
sum of \$1200 as directed by said decree



When the said D.C. Parrott bid for said  
land the sum of twelve hundred and  
one dollar (\$1201) and that being the  
highest bid said land was knocked down  
to him at that price. Your Commission-  
found that the costs and commissions paid  
down at first sale was \$99.33. and that  
interest on that sum from 1<sup>st</sup> to second sale  
was \$5.95. That the commissions of second  
sale were \$13.03 Making sum paid at sec-  
ond sale, \$118.31. and interest on this sum  
6 months from date of second to date of 3<sup>rd</sup> sale  
\$3.54 total \$121.85. to which I added com-  
missions of last sale, \$16.01. Making total  
sum to be paid down, if the Court allows in-  
terest as above, \$137.86. and this sum I  
required paid down in cash. and out of  
this sum thus paid down I paid to A.R. Sur-  
gener. the money heretofore paid to me by him  
to wit \$112.36 exclusive of interest and file  
his receipt for the same as part hereof marked  
X. If he should be entitled to interest on said  
sum then there will be due to him as interest  
as above shown the sum of \$9.49. and the balance  
of the sum thus paid down to wit \$16.01 I retained  
as my commissions. The purchaser then exe-  
cuted to me his note for \$1063.14. with H.J. Hor-  
gan & Wm. McNeil as security which sum  
bore interest from 21<sup>st</sup> day of June 1881. and  
is payable in equal installments due  
in 6, 12, & 18 months from said 21<sup>st</sup> day  
of June 1881. Said note is filed here with



moved (7). The Security is ample and the sale in the opinion of your Commissioner the best that can be made. The first installment of the purchase price of said land was due according to the terms of said Deed on the 21<sup>st</sup> day of December the day after this sale, and the said Parrott has paid to me the sum of \$210. on said installment, \$105-00 of which has been paid to Andrew McBoone assignee of said H.C. Parsons who is assignee of H.L. Lloyd. His receipt for which is here with filed marked (1) and to E.W. Bishop, \$105-00 on his claim his receipt for which is here filed marked (2)

The net sum required to discharge the debts mentioned rendered was at the date of said sale as follows. To M.C. Parsons assignee of \$313.75

To E.W. Bishop - 313.75

To H.H. Hoston, Assignee. 124.59

Total sum - \$752.09

As before shown the net sum after deducting costs commissions &c. is \$1063.14. which will leave a balance after satisfying the debts above, of \$311.00 for disposition by the Court. I understand the widow claims this fund or a large portion of it as dower. She is doubtless entitled to a part of it and it may be all of it her husband having paid toward the purchase price of said land in his lifetime about



\$2000, all of which except said small sum of  
\$31.05 just referred to has been a total loss.  
Some of Burns Creditors also claim said  
fund, or usage of it to discharge their debts  
but I do not feel it to be my province to sit  
up the claims of any of these parties I therefore  
leave the matter for disposition by the Court,

all of which is respectfully submitted

C. T. Duncan Special  
Commissioner.

Mr. C. Duncan assigned  
to  
Commissioner  
Report 3rd Sale  
D. T. Bank same to.

Saled March 15, 1882  
J. P. Duncan  
Special



M.C.Parsons

*for re*

vs.

D.F.Burk Admr &c. et als

The undersigned special Commissioner in this cause begs leave to report, that he has collected and disbursed all the funds for which he sold the land in the bill and proceedings in said cause mentioned and that so far as he can see there is nothing further to be done in said cause.

Respectfully submitted

*C. J. Lawrence*

Commissioner.



M. C. Parsons for 76  
vs 3 Report

O. F. Buck Adm 76 & 77

Filed June 16<sup>th</sup> 1897



This Deed made this 20th day of August 1877, between  
Elisha W. Bishop & Mary E. his wife of the county of Midway  
in the State of Missouri by Peter H. Allen their  
attorney in fact and Alexander L. Logg & Minnie  
H. his wife of the county of Logan State of Virginia  
of the first part and Joseph F. Park of the county  
and State last mentioned of the second part. It is witnessed  
that the said Peter H. Allen attorney in fact for the  
said Elisha W. Bishop & Mary E. Bishop, and the said  
Alexander L. Logg & Minnie H. wife for and  
in consideration of the sum of Eighteen hundred  
dollars to them in hand paid or secured to  
be paid by the said Joseph F. Park the receipt where-  
of is hereby acknowledged, doth by these pres-  
ents grant bargain sell deliver and convey  
unto the said Park their undivided interest  
in a certain tract or parcel of land lying &  
being in the said county of Logan Douglas River  
it being 3/5 of 3/5 of the Helen McKean Farm.  
The whole of the 3/5 of said tract is divided between  
the heirs of John Lammor dec'd 3/5 of which is  
herely conveyed is bounded as follows to wit.  
Beginning at a stake corner to the land re-  
lated to Martin D. Duff thence S 64° E 64 poles to a  
stake the beginning corner of the McKean Farm  
S 22 1/2° E 131 poles to a rock on the South Side of  
the Red Camp Road corner to S. J. Parrott land  
S 32 1/2° E 38 poles to a rock N 65° E 2 3/4 poles to a rock S 1/2



E 4 1/2 poles to a hickory & dead walnut S 1/2 E 1/4 Sec 116  
 poles to a best oak, near a path, thence leaving Parrotts  
 line S 62 W 37 poles to a walnut and two sin oak  
 S 78 E 16 poles to a walnut & two cedars on the River  
 bluff, thence down the River with its meander  
 S 57 W 80 poles to a Stake on the River bluff S 30  
 W 62 poles to two Lycamores on the back of the  
 river, a corner to M. D. Duff's land thence N 2  
 W 86 poles to two cedars, and from thence N 33 W 210  
 poles to the Beginning. I have and to hold two un-  
 divided thirds of the tract or parcel of land  
 thus described, with all its appurtenances unto  
 the said Frank F. Park and his heirs forever. And  
 the said Alexander L. Loyd & Minerva A. his wife  
 and Eliza H. Bishop & Mary E. his wife by Peter H. St.  
 Allen their attorney in fact covenant that  
 they well warrant generally the two un-  
 divided interests in the foregoing described  
 tract or parcel of land, and a part of the fur-  
 -ther money being unpaid they do further  
 hereby retain the vendors lien for the unpaid  
 purchase money. Witness the foregoing sig-  
 -natures and seals.

A. L. Loyd (Seal)  
 M. A. Loyd (Seal)  
 E. H. Bishop (Seal)  
 M. E. Bishop (Seal)

Peter H. Allen attorney in fact.

Lee County, to wit.

I John B. West, a Notary Public for the County of Lee  
 in the State of Virginia, do certify that Alexander  
 L. Loyd, and Minerva A. his wife and Eliza H.  
 Bishop & Mary E. Bishop whose names are signed to the  
 foregoing deed, bearing date August 26th 1872, the  
 names of the latter two being signed by Peter H. St.  
 Allen their attorney in fact, have acknowledged  
 the same before me in my County aforesaid, the  
 latter two having acknowledged the same by their  
 said attorney in fact. And the said Minerva A.  
 wife of the said Alexander L. Loyd, being examined  
 by me privately and apart from her said husband  
 and having the writing of or owned, fully explained  
 to her, she the said Minerva A. Loyd, acknowledged  
 the said writing to be her act, and declared that  
 she had willingly signed and executed the same  
 and did not wish to retract it. Given under my  
 hand this 30th day of August 1872.

John B. West Notary Public

Lee County and Clerk's office, the 2nd day of Sept 1872.

The foregoing deed from E. H. Bishop & M. E. Bishop his  
 wife by Peter H. Allen their attorney in fact, and A. L.  
 Loyd & M. A. Loyd his wife of the one part, and Frank  
 F. Park of the other part being duly stamped, is ad-  
 mitted to record upon the certificate of John B.  
 West, Notary Public for Lee County, Virginia.

John B. West Notary Public

A Copy of this to the Clerk of the Court



Isaiah T. Burk

From 3 Copy of Book

A. L. Lloyd et al

---

11/11

For 90 cts

1261  
1001  
270881  
21548  
25101

99117  
2004.823  
2702571



This deed made this 20th day of August 1872  
between Elisha H. Bishop & Mary E. his wife of the  
County of Hedaway in the State of Missouri by Peter  
H. Allen their attorney in fact and Alexander L.  
Lloyd & Minerva A. his wife of the County of Lee and  
State of Virginia of the first part, and Joseph  
F. Bush of the County and State last mentioned  
of the second part, Witnesses, That the said Peter  
H. Allen, attorney in fact for the said Elisha H.  
and Mary E. Bishop, and the said Alexander L.  
Lloyd and Minerva his wife, for and in con-  
sideration of the sum of eighteen hundred dollars  
to them in hand paid, or secured to be paid by the  
said Joseph F. Bush, the receipt whereof is hereby ac-  
knowledgeed, do hereby these presents grant, bargain  
sell, deliver and convey unto the said Bush,  
their undivided interest in a certain tract  
or parcel of Land, lying and being in the said  
County of Lee on Powell's River it being  $\frac{2}{3}$   
of  $\frac{3}{5}$  of the Allen-Mitcham Tract: The whole  
of the  $\frac{2}{3}$  of said tract as divided between the  
heirs of John Lamm and  $\frac{1}{5}$  of which is hereby  
conveyed, is bounded, as follows, to wit:  
Beginning at a Stake, corner to the land allotted  
to Martin T. Deff, thence S 64 E 144 poles to a stake  
the beginning corner of the Mitcham Tract, S 29 W  
E 131 poles to a rock in the South Side of the Rob Camp  
Road, thence to S. S. Perrett's land, S 62 E 33 poles



to a rock N 65 E 2 3/4 poles to a rock S 7 E 4 3/4 poles to a  
 buckeye tree, a line N 10 1/2 E 116 poles to a post oak  
 near a ditch, thence bearing S 82 W 8 1/2  
 poles to a walnut and two pin oaks S 7 E 16 poles  
 to a walnut & two cedars on the River bluff, thence  
 down the River with its meanders S 45 W 80 poles  
 to a stake on the River bluff S 30 W 62 poles to two  
 Sycamores on the bank of the river & comes to  
 the N. bluff land, thence N 2 W 180 poles to two cedars  
 and from thence N 33 W 210 poles to the beginning.  
 I have need to hold two considered shares of the  
 tract or parcels of land thus described, with  
 all its appurtenances unto the said James F. Bush  
 and his heirs forever. And the said Alexander  
 L. Loyd & Minerva A. his wife and Elisha W. Bishop  
 & Mary E. his wife by Peter H. Allen their attorney in  
 fact consent that they will warrant generally  
 the two considered interests in the foregoing  
 described, tract or parcels of land, and a part  
 of the purchase money being unpaid they severally  
 hereby retain the Vendor's lien for the unpaid part  
 when money retained the following signatures  
 and seals.

A. L. Loyd (Seal)  
 M. A. Loyd (Seal)  
 E. W. Bishop (Seal)  
 M. E. Bishop (Seal)

By P. H. Allen attorney in fact.

Lee County, to wit.

I, John B. West, a Notary Public for the County of Lee  
 in the State of Virginia, do certify that Alexander L.  
 Loyd and Minerva A. his wife and Elisha W. Bishop  
 and Mary E. Bishop whose names are signed to the  
 foregoing Deed, bearing date August 26 1872 the  
 names of the latter two being signed by Peter H. Allen  
 their attorney in fact, have acknowledged the  
 same before me in my County aforesaid the latter  
 two having acknowledged the same by their said  
 attorney in fact, and the said Minerva A. wife of  
 the said Alexander L. Loyd, being examined by me  
 privately and apart from her said husband &  
 having the writing aforesaid fully explained to  
 her she the said Minerva A. Loyd acknowledged  
 the said writing to be her act and volition that she  
 had willingly signed and executed the same  
 and does not intend to retract it. Given under  
 my hand this 26th day of August 1872.

John B. West Notary Public in  
 Lee County and Clerk's Office, the 2d day of Sept. 1872  
 The foregoing Deed from E. W. Bishop & M. E. Bishop his  
 wife by P. H. Allen their attorney in fact, and A. L. Loyd  
 & M. A. Loyd his wife of the one part, and James F. Bush  
 of the other part, being duly stamped is admitted to  
 record upon the certification of John B. West, Notary Public  
 for Lee County Virginia.

John H. Orr Clerk  
 R. H. Orr L. D. C.



Isaiah F. Hunt  
From 3 Copy of Recd  
A. L. Lloyd et als

---

"A"

For 70 cts



Virginia.

A circuit court continued and held for the County at the court house thereof. On Wednesday, the 29<sup>th</sup> day of March 1882.

A. R. Surgenor

Plff.

vs

In assumption.

David H. Burk Adm<sup>r</sup> of Isaac Burk decd. Deft

This day came the parties by their attorneys and by consent of parties the cause was submitted to the court for its decision and the parties being heard, it is considered by the court that the plaintiff recover against the defendant \$71.57 damages for the non-performance of the assumption in the declaration mentioned with legal interest thereon from the 1<sup>st</sup> day of January 1881, till paid and the costs to be levied and collected of the goods & chattels of the decedent in the hands of the defendant to be administered.

Accep<sup>t</sup>

Wm. J. A. G. Hyatt att. clerk.

63.83  
A. 2.50  
5.50  
76.83  
606.25  
77.08



A. P. Surgenor.

85 } Copy of Judgment.

David L. Burk Admr

"A"



Virginia.

At a circuit Court continued and held for Lee County  
at the court house thereof, On Saturday the 5<sup>th</sup> day of Apr 1877.  
J. H. Allen & L. P. Barnes Admr, of James Lloyd decd. Plffs

vs  
A. R. Senger Survivor &c Deft } In Debt.

The defendant not appearing it is considered by the court  
that the judgment obtained against him in the clerk's  
office for \$70.00 the debt in the declaration mentioned  
with legal interest thereon from the 27<sup>th</sup> day of October  
1877.

c. Acfy

b. 4.00  
A. 2.50  
S 1.00  
\$ 7.50

Teste John P. Gibson <sup>d</sup> Clerk.



C. H. Allen et al Admors  
vs } Baby of freight,

A. P. Surgenes Survivor

"B"



Knows all men by these presents that we D. B. Parrott  
D. F. Webb & C. L. Hamblin are held and firmly bound  
unto Andrew Melbourne and the other creditors of the  
Society F. Bank due in the several sum of <sup>Two Thousand</sup> ~~fifty~~  
and no more for the true payment thereof well and  
truly to be made to said Melbourne and the other cre-  
ditors of said Bank we bind ourselves jointly, jointly and  
severally firmly by these presents with our hands  
and seals this 29th day of August 1881.

The condition of the above obligation is such that  
the above bound D. B. Parrott has been permitted by the  
Judge of the Circuit Court of Lee County by an order entered  
of record in two chancery causes in said court pending  
one of which is M. B. Parsons assignor against David Bank  
admiror and the other is C. W. Bishop against said affors  
to pay in an upshot bid of \$1200.00 for the land sold in said  
causes by C. J. Duncan Commissioner on the 21st day of June  
1881. Now if the said D. B. Parrott shall on a sale of  
said land cause the same to bring said sum of \$1200.00 then  
this obligation to be void otherwise to remain in full force.

D. B. Parrott  
by H. J. Morgan  
Charles D. Morgan (Seal)



M. L. Leporello, Jr.  
No. 1. Bond for part of

Warrant for



Amount bid for land. \$53.50  
Amount of costs paid down  
at former sale \$99.33  
But in same from July 22 1880, 5.95  
Commissions on this sale 13.03 118.31  
Amount of note. \$735.19

We agree and bind ourselves  
to pay C. S. Duncan Commission  
er in the Chancery cases of H. G.  
Parsons assignee vs. David A. Burr  
Admr vs. et als, and E. H. Bishop vs.

The same the sum of Seven hundred  
and thirty five dollars & 19 cents  
bearing interest from date and to  
be paid in three equal installments  
due respectively in six twelve & eighteen  
months, and as to this obligation  
we each waive the benefit of our homestead  
exemptions. Witness our  
hands and seals this 21st day of  
June 1881.

A. H. Diergen  
Thomas J. Ely

Seal



Bond of  
Purchaser



\$125<sup>00</sup>

On or before the first day of March 1877  
I bind myself heirs &c. to pay W. G. Lloyd, or order  
One hundred and twenty five Dollars. Value rec'd.  
August 28<sup>th</sup> 1872

Isaac H. Burk (Seal)

\$125<sup>00</sup>

On or before the first day of March 1878  
I bind myself heirs &c. to pay W. G. Lloyd, or order  
One hundred and twenty five Dollars. Value rec'd.  
August 28<sup>th</sup> 1872.

Isaac H. Burk (Seal)



I assign the within Note to Mitchell  
C. Parsons. for value rec<sup>d</sup> Jan. 24/79

A. L. Lloyd

I assign the within note to Mitchell  
C. Parsons. for value rec<sup>d</sup> Jan. 24/79

A. L. Lloyd



OFFICE OF

WILLIAM A. ORR,

Attorney and Counsellor at Law,

Will practice in all the Courts of  
LEE, SCOTT, WISE AND WASHINGTON COUNTIES,

And in the

FEDERAL COURT AT ABINGDON.

PROMPT ATTENTION

GIVEN TO THE COL-  
LECTION OF CLAIMS.

Jonesville, Lee County, Va., ..... 188.....

I know all men by their ~~names~~ that we David F. Burke, Henry S. Ferguson and Bro. Lawson are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Twenty four hundred dollars, for the payment thereof and truly to be made to the said Commonwealth, we bind ourselves, our heirs &c. firmly by these presents. And we hereby waive the benefit of any homestead exemptions as to this bond. Witness the following Signatures and seals, August 24th 1880.

The condition of the above obligation is such that whereas in the Consolidated Chancery Cause of M. L. Parsons assignee &c vs David Burke Adm &c et al vs and C. W. Bishop vs David Burke adm &c et al now pending in the Circuit Court of Lee County, Virginia, certain land was sold in said Cause for the sum of \$925-, and whereas the said David F. Burke has undertaken to make, or cause said land, at a sale to bring the sum of twelve hundred dollars, now if the said David F. Burke shall well and truly cause said land at a sale to bring



The sum of twelve hundred dollars, then this  
obligation to be void otherwise to remain in  
full force and virtue

David F. Bunker  
W. J. Ferguson  
J. S. F. M. B. or

Washburn et al  
vs  
Bunker  
Bunker



Isaac H. Smith's notes.

1st note to E W B. says due March 1st 77 125.00

Interest on same to June 21st 1881 32.30

2 note to same due March 1st 78 125.00

Interest on same to June 21st 1881 24.50

3rd note to Parsons assignee due March 1st 77 125.00

Int on same to June 21st 1881 32.30

2 note to same due March 1st 1878 125.00

Interest on same to June 21st 1881 24.50

1 note to Horton assignee due 1st day

of March 1878 subject to a credit of

23.91 paid 20 Apr 1878 bal due last date 101.91

Interest to June 21st 1881 19.36

\$735.47



$$\begin{array}{r} 3 \overline{) 31105} \\ 10365 \end{array}$$



Sale of the Burk land

D. C. Parrott. at \$1201.00  
Costs & Commissions 1st Sale 99.33.

Interest on same 1 year 5-95-

Commissions on 2nd Sale, 13.03.

Interest on same 6 Mos.

118.31.  
33.4  
\$121.85- 121.85-  
16.01  
\$137.86 1079.15-  
16.01  
1063.14

We agree and bind ourselves heirs &c to  
pay C. T. Duncan Commissioner in the Chancery  
Cause of. M. C. Parsons assignee &c. &  
C. W. Bishop against D. F. Burk Assignee &c  
& others the sum of One Thousand and  
sixty three dollars. & fourteen cents bearing  
interest from <sup>21st day of June 1881.</sup> ~~the~~ and payable in ~~the~~  
equal installments of six twelve & eighteen  
months from the said 21st day of June 1881.  
and as to this note we each waive our home  
stead exemption. witness our hands  
and seals this 20th day of December 1881.

D. C. Parrott Seal

Henry J. Morgan Seal

W. N. McNeil Seal

354.38

1063.14

354.38

354.38

121.85

16.01

137.86

363.91

502.77



D. C. Parrott & others

No  $\frac{2}{3}$  Note

to J. Duncan & Co.



Virginia:

At a Circuit Court held and held for Lee County at the Court House there on Wednesday the 1st day of Sept. 1880.

E. H. Bishop Plff. vs. D. F. Burk Adm'r. et als, Defs.  
M. C. Parsons Assignee vs Plff. vs. The same, Def.  
In Chancery.

These Causes came on again to be heard this 1st day of Sept. 1880 upon the papers formerly read in the Cause and the report of C. J. Duncan Com'r filed on the day of August 1880 and Exceptions thereto the affidavit of A. L. Pridemore & C. J. Duncan filed with said exceptions and was argued by Counsel. On Consideration whereof it is adjudged ordered & decreed that said exceptions be sustained, and it appearing to the Court that A. R. Sengener transferred his bid to N. S. Cox on said land at an advance of \$25.00, it is further adjudged, ordered & decreed that a rule be awarded against the said Sengener and the said Cox returnable to the 1st day of the next term of this Court to show Cause if any they can why said advance of \$25.00 shall not be paid to the Administrator and heirs of the said Isaac Burk deceased and why the sale of the land shall not be confirmed to the said Cox at the price of \$12.00. that being the sum which he agreed to pay Sengener therefor. And this Cause is continued.

A Copy  
Teste J. R. Steadley Clk.



L. H. Bishop

vs  $\frac{1}{2}$  In Chap.

L. J. Bank America  
and

M. C. Parsons <sup>or</sup> Plaintiff

vs  $\frac{1}{2}$  In Chap.

L. J. Bank America

Copy of Rule

1<sup>st</sup> day March 5 1861.

Entered by Attorney

of the Court

for the purpose

of the Court

of the Court

of the Court

of the Court



# The Commonwealth of Virginia.

To the Sheriff of Lee County—Greeting:

We Command you to Summon *David J. Burk, Adm. of Isaac A. Burk decd, the said David Burk, in his own right, Burk, widow of said Isaac A. Burk decd, Eliza D. Robinson, for Burk & said Robinson her husband & heirs to Burk, Mattie Burk, John B. Burk, Robt. C. L. Burk, Eliza T. Burk, John Burk & Isaac Burk,*

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in *Oct.* next, being rule day, to answer a bill in chancery, exhibited in our said court against *them*

by *Mitchell C. Parsons*  
assignee of *A. J. Loyd, who sues for the benefit of;*  
*Andrew Milburn*

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this 5<sup>th</sup> day of *Sept.*, 1877, in the 104<sup>th</sup> year of the Commonwealth.

*J. W. Orr Jr. (Clerk.)*



M + D.

M. C. Parnow for &c

75<sup>th</sup> of Sea. in chry

David F. Burk. Secy.

Oct. Nula 1879.

Executed by delivering  
Copys of the within to  
David F. Burk admn.  
and in His own right  
Sarah F. Burk widow of Isak  
F. Burk West  
Ellella D. Robertson formerly  
Burk. Saml. Robertson her  
husband & Isak Burk  
Mattee Burk Sallie Burk  
Robt E. L. Burk Eliza F. Burk  
John Burk and Isak  
Burk

Thos S. Ely & Co.



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk, Son of Isaiah H. Burk, 123 & the said David Burk in his own right, Sarah J. Burk widow of said Isaiah H. Burk, Mary C. Burk, Stephen D. Robinson formerly Burk & Samuel Robinson, husband of Susan Burk, Mattie Burk, William Burk, Robt. C. L. Burk, Eliza V. Burk, John Burk and David Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

by *Mitchell C. Parnum*

*Plaintiff*  
*vs.*  
*Assignee of A. L. Faye who sues for the*  
*benefit of Andrew H. Faye*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of *February* 1879; in the 103<sup>rd</sup> year of the Commonwealth.

*J. W. Orr Jr. D.* **CLERK.**



20  
 1.20  
 .18  
 .15  
 .18  
 .10  
 .90 Ex  
 1.00 Nov. 4th 1898  
 .15 C. L. L.  
 .25  
 .35 opt coal  
 .20  
 1.10  
 .18  
 1.00 Oct 4 1898  
 .36  
 .40

\$7.90  
 1.50  
 \$9.40

(M.D.)  
 M. C. Pearson for  
 Superior 7th July 1898  
 as 25th Aug 1898  
 3 15 1898  
 R. C. Pearson for  
 R. C. Pearson for  
 March 1898

not wanted for want  
 of time not having read  
 these paper. noted 9 o'clock  
 Saturday night March 12th 1899

The L. L. Co.



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Bush, son of David H. Bush & the said David Bush on his own right. David H. Bush deceased of and David H. Bush and Mary C. Bush, Eliza D. Robinson formerly Bush's daughter Robinson her husband, Austin Bush, Mattie Bush, Emma A. Bush, John D. Bush, Eliza Bush, John Bush & David Bush*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

by

*Mitchell C. Pearson*

*Assignee of A. L. Loya who sues for the benefit of Andrew Milbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

*Febry* 1879; in the 103<sup>rd</sup> year of the Commonwealth.

*A. W. Orr Jr. to* CLERK.

*Recd. A. W. Orr Jr. to*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*James Perkins, of said County of Lee, to appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in*

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*Thomas* by *Mitchell C. Parsons*

*assignee of J. L. Lloyd who sues for*

*the benefit of Andrew Milbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 26<sup>th</sup> day of *Febry* - 1879; in the 103<sup>rd</sup> year of the Commonwealth.

*J. W. Orr* CLERK.

*Attest: J. W. Orr*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *David Burk widow of David F.*

*Burk dec'd. The said David Burk in his own right, Sarah  
J. Burk widow of said David F. Burk dec'd - Mary C. Burk  
Etalia D. Robinson formerly Burk & David Robinson her  
husband - William Burk - Elster Burk - Sally B. Burk  
Robt. B. Burk, Eliza F. Burk, John Burk & Daniel Burk -*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them* by *Michael C. Parsons*

*assignee of A. Z. Lloyd who sues for*

*the benefit of said William Burk*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *26*

day of *Febry* 187<sup>9</sup>; in the 108<sup>th</sup> year of the Commonwealth.

*J. W. Orr, Clerk* CLERK.

*Recd*  
*Lee, 26 Feb 1879*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk, admr. of estate of Burk  
The said David Burk in his own right, Sarah  
Burk widow of said David & Mary C. Burk  
Et al. in formerly Burk & Daniel Robinson  
vs. William Weston Burk, Walter Burk, Belle S. Burk  
Robt. C. Burk, Eliza S. Burk, John Burk & Daniel Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March*

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*Thom*

by *Mitchell C. Parsons*

*Assignee of A. L. Gwynne's claim for  
the benefit of Andrew Gibson's*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 26<sup>th</sup>  
day of *Febry* - 187<sup>9</sup>; in the 103<sup>rd</sup> year of the Commonwealth.

*J. W. Orr Jr. D. Clerk*

*Attest - J. W. Orr Jr. D.*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Perkins, late of Parish L. Perkins  
widow of said David Perkins in his own right, Sarah  
J. Perkins widow of said Parish L. Perkins late of Parish L. Perkins  
Elliott L. Perkins, formerly Parish L. Perkins late of Parish L. Perkins  
late of Parish L. Perkins, late of Parish L. Perkins, late of Parish L. Perkins  
Perkins late of Parish L. Perkins, late of Parish L. Perkins, late of Parish L. Perkins*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

by *Attorneys*

*of A. L. Lloyd who sues for the  
benefit of James Melbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 26<sup>th</sup>  
day of *February* 187<sup>9</sup>; in the 103<sup>rd</sup> year of the Commonwealth.

*R. St. Orr*  
CLERK.  
*John R. St. Orr*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon David Bush, son of Sarah F. Bush dec'd, & the said David Bush in his own right Sarah F. Bush widow of said Sarah F. Bush dec'd Mary F. Bush, Stella & Robinson formerly Bush, and Sarah Robinson her husband, Daniel Bush, Maria Bush, Sally B. Bush, Robt E. L. Bush, Eliza F. Bush, John Bush & Sarah Bush To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

them by Mitchell C. Powers assignee of A. L. Lloyd who sues for the benefit of Andrew Milbourne

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 26<sup>th</sup> day of February 1879; in the 103<sup>rd</sup> year of the Commonwealth.

J. W. Orr Jr. D. CLERK.  
Teste A. W. Orr Jr. R. C.







# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk, Son of David L. Burk, late of the said David Burk in his own right, David Burk & Burk widow of said David L. Burk decd. Mary C. Burk, Eliza R. Robinson formerly Burk & Samuel Robinson her husband, William Burk, Anne Burk, Sallie B. Burk, Matt C. Burk, Eliza C. Burk, John Burk, Sarah Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March*

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them*

by

*Mitchell C. Parsons*

*assignee of J. L. Loya, who sues for the benefit of American Millers*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

*Febry.*

1879; in the 103<sup>rd</sup> year of the Commonwealth.

*J. W. Orr Jr. 15*

CLERK.

*A Copy*

*Recd. J. W. Orr Jr. 15*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *David Burk, son of Isaac H. Burk, dead, & the said David Burk in his own right, Sarah J. Burk, widow of said Isaac H. Burk dead, Mary C. Burk, Etellia D. Robinson formerly Burk, & Samuel Robinson her husband, Huseton Burk, Mattie Burk, Sallie B. Burk Robt. C. L. Burk, Eliza J. Burk, John Burk & Isaac Burk*  
To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them* by *Mitchell C. Parsons*

*assignee of A. L. Loyd, who sues for the benefit of Andrew Melbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *26<sup>th</sup>*  
day of *Febry,* 187*9*; in the *103<sup>rd</sup>* year of the Commonwealth.

*R. W. Orr Jr* **CLERK.**

*A Copy*

*Teste R. W. Orr Jr. 26*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *David Burk Adm'r. of Isaac F. Burk*  
*ad. & the said David Burk in his own right, Sarah J. Burk*  
*widow of said Isaac F. Burk, Mary C. Burk, Etellia D.*  
*Robinson, formerly Burk, & Samuel Robinson her husband.*  
*Anseton Burk, Mattie Burk, Sallie B. Burk, Robert C.*  
*L. Burk, Eliza F. Burk, John Burk & Isaac Burk*  
To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them* by *Mitchell C. Parsons*

*assignee of A. L. Lloyd, who sues for*  
*the benefit of Andrew Milbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

*Febry.*

1879; in the 103<sup>rd</sup> year of the Commonwealth.

*A copy*

*R. W. Orr Jr. D.* **CLERK.**

*Teste - R. W. Orr Jr. D.*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *David Burk* *son of Isaac F. Burk decd.* & the said *David Burk* in his own right, *Sarah J. Burk* widow of said *Isaac F. Burk decd.*, *Mary B. Burk*, *Etella D. Robinson*, formerly *Burk*, & *Samuel Robinson* her husband, *Houston Burk*, *Matthie Burk*, *Sallie B. Burk*, *Robt. C. L. Burk*, *Eliza J. Burk*, *John Burk* & *Isaac Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them* by *Mitchell C. Parsons*

assignee of *A. L. Loyd*, who sues for the

benefit of *Andrew Milbourne*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *26<sup>th</sup>*

day of *Febry*, 187*7*; in the *103<sup>rd</sup>* year of the Commonwealth.

*A. W. Orr Jr. D.* CLERK.

*A copy*

*Teste - A. W. Orr Jr. D.*



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk, Adm'r, of Isaac  
F. Burk dead, & the said David Burk in his own right,  
Sarah F. Burk, widow of said Isaac F. Burk dead, Mary C.  
Burk, Etellia D. Robinson, formerly Burk, & Samuel  
Robinson her husband, Susetown Burk, Mattie Burk,  
Sallie B. Burk, Robt. C. L. Burk, Eliza F. Burk, John Burk & Isaac Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March*

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them*

by *Mitchell C. Parsacus,*

*assignee of A. L. Loyd, who sues for the  
benefit of Andrew Melbourne*

And have then there this writ.

day of

*Febry.*

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

1877; in the 103<sup>d</sup> year of the Commonwealth.

*26*

*A. W. Orr Jr D.* **CLERK.**

*A copy  
Teste, A. W. Orr Jr D.*